

SHAPIRO, DICARO & BARAK, LLP
Attorneys for Chase Home Finance LLC
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Melville, NY 11747
Tel: (631)844-9611, Fax: (631)844-9525
Jennifer Rando Cristiano

Hearing Date: October 7, 2010
Hearing Time: 10:00 a.m.

Objection Date: October 2, 2010

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

IN RE

WAYNE ANTHONY JONES

DEBTOR

CHAPTER 7

CASE NO. 10-45152

JUDGE: Elizabeth Stong

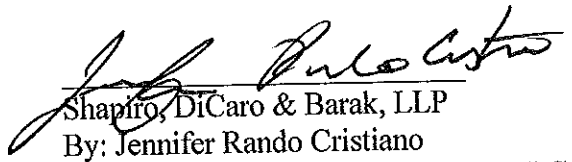
**NOTICE OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY
PURSUANT TO BANKRUPTCY RULE 4001 AND 11 U.S.C. §362 (d)
DUE TO A LACK OF ADEQUATE PROTECTION (AND A LACK OF EQUITY)
PURSUANT TO 11 U.S.C. §361**

PLEASE TAKE NOTICE that Chase Home Finance LLC, by and through its attorneys, Shapiro, DiCaro & Barak, LLP, will move this Court at the United States Bankruptcy Court, 271 Cadman Plaza East, Court Room #3585, Brooklyn, NY 11201, on October 7, 2010 at 10:00 a.m., or as soon thereafter as counsel may be heard, for an Order:

1. Pursuant to Bankruptcy Rule 4001 and 11 U.S.C. §362(d), granting Chase Home Finance LLC relief from the automatic stay due to Debtor's inability to provide adequate protection to the interest of Chase Home Finance LLC pursuant to 11 U.S.C. §361; and/or
2. Granting Chase Home Finance LLC such other and further relief as is just and proper.

PLEASE TAKE FURTHER NOTICE, that answering affidavits, if any, are required to be served upon the undersigned at least five days before the return date of this motion.

Dated: September 2, 2010
Melville, New York


Shapiro, DiCaro & Barak, LLP
By: Jennifer Rando Cristiano
Attorneys for Chase Home Finance LLC
105 Maxess Road, Suite N109
Melville, NY 11747
(631)844-9611

TO: Debtor
Wayne Anthony Jones
27-28 Thomson Avenue
Apartment 338
Long Island City, NY 11101

Attorney for Debtor
David S. Hamilton
Dwyer & Associates
11 Broadway
New York, NY 10004

Trustee
Debra Kramer
98 Cutter Mill Rd
Suite 466 South
Great Neck, NY 11021

U.S. Trustee
271 Cadman Plaza East
Suite 4529
Brooklyn, NY 11201

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CHAPTER 7

CASE NO. 10-45152

DEBTOR

JUDGE: Elizabeth Stong

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY
PURSUANT TO BANKRUPTCY RULE 4001 AND 11 U.S.C. §362(d)
DUE TO A LACK OF ADEQUATE PROTECTION (AND A LACK OF EQUITY)
PURSUANT TO 11 U.S.C. §361**

Chase Home Finance LLC, by and through its attorneys, Shapiro, DiCaro & Barak, LLP, for an Order vacating the automatic stay pursuant to 11 U.S.C. §362(d) and Bankruptcy Rule 4001 due to a lack of adequate protection pursuant to 11 U.S.C. §361, and in support thereof, states as follows:

1. Debtor filed a petition for relief under Chapter 7 of the U.S. Bankruptcy Code on or about June 1, 2010.
2. Chase Home Finance LLC is a secured creditor of the Debtor by virtue of a mortgage executed by Debtor on June 21, 2007 and given to Mortgage Electronic Registration Systems, Inc., solely as Nominee for Geneva Mortgage Corp. securing the repayment of the principal sum of \$417,000.00 due under the Bond/Note and granting Mortgage Electronic Registration Systems, Inc., solely as Nominee for Geneva Mortgage Corp. a security interest in the Property commonly known as 2728 Thomson Avenue, #S338, Long Island City, NY 11101 (the "Property"). Copies of the Mortgage and Bond/Note are annexed hereto as Exhibit "A".

The mortgage was assigned to Chase Home Finance, LLC by instrument dated August 27, 2010. A copy of the assignment of mortgage is annexed as Exhibit "B". Movant has standing to bring this Motion for Relief from Stay as the holder of the mortgage.

3. A copy of the Relief from Automatic Stay – Real Estate and Cooperative Apartment Work Sheet is annexed hereto as Exhibit "C".

4. Upon information and belief, the payoff amount on the Mortgage as of 6/11/2010 is \$438,324.22.

5. Upon information and belief, the loan is contractually due for September 1, 2009.

6. The amount now due under the mortgage is as follows:

10 Defaulted Monthly Payments at \$2,291.35 each (September 2009 through June 2010)	\$22,913.50
10 Late Charges at \$40.83 each (September 2009 through June 2010)	\$408.30
Escrow Advances	\$-541.33
Late Charges	\$367.47
Property Inspections	\$14.00
Bankruptcy Attorneys Fees	\$650.00
Filing Fee	\$150.00
Total Delinquencies	<hr/> \$23,961.94

7. According to the Debtor's Schedule A, the value of the Property is \$500,000.00

8. Upon information and belief, the following parties have liens against the Property:
Amtrust Bank in the amount of \$115,794.70

9. Upon information and belief, there is little or no equity in the Property and Chase Home Finance LLC has not been offered adequate protection for its interest in the Property.

10. By failing to make post-petition mortgage payments, Debtor has failed to provide Chase Home Finance LLC with adequate protection for its interest in the Property.

11. It is respectfully submitted that good cause exists to vacate the automatic stay of 11 U.S.C. §362 to allow Chase Home Finance LLC to maintain a foreclosure action on its mortgage.

WHEREFORE, Chase Home Finance LLC respectfully requests that an Order be granted vacating the automatic stay as to Chase Home Finance LLC so as to permit the commencement, resumption or maintenance of mortgage foreclosure proceedings with respect to the Property, and for such other and further relief as the Court may deem just and proper.

Dated: September 2, 2010

A handwritten signature in black ink, appearing to read "Jennifer Rando Cristiano", is written over a horizontal line.

Shapiro, DiCaro & Barak, LLP
By: Jennifer Rando Cristiano
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